

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY BRIAR SCHOENWALD,

Defendant.

CR 20–20–BU–DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered her Findings and Recommendation Concerning Plea in this matter on November 3, 2020. (Doc. 43.) As neither party objected, they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.2d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto recommended this Court accept Gregory Briar Schoenwald’s guilty plea after Schoenwald appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of prohibited

person in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1), as set forth in the Superseding Information. (Doc. 31.)

Finding no clear error, the Court adopts Judge DeSoto's Findings and Recommendation (Doc. 43) IN FULL.

Accordingly, IT IS ORDERED that Gregory Briar Schoenwald's motion to change plea (Doc. 27) is GRANTED, and Gregory Briar Schoenwald is adjudged guilty as charged in the Superseding Information.

DATED this 18th day of November, 2020.



Dana L. Christensen, District Judge
United States District Court